

By: Dean

H.B. No. 1487

A BILL TO BE ENTITLED

AN ACT

relating to the protection of religious organizations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle H, Title 10, Government Code, is amended by adding Chapter 2401 to read as follows:

CHAPTER 2401. PROTECTION OF RELIGIOUS ORGANIZATIONS

Sec. 2401.001. DEFINITIONS. In this chapter:

(1) "Disaster" has the meaning assigned by Section 418.004.

(2) "Governmental entity" means:

(A) this state;

(B) a board, commission, council, department, or other agency in the executive branch of state government that is created by the state constitution or a statute, including an institution of higher education as defined by Section 61.003, Education Code;

(C) the legislature or a legislative agency;

(D) a state judicial agency or the State Bar of Texas;

(E) a political subdivision of this state,

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including a county, municipality, or special district or  
authority; or

(F) an officer, employee, or agent of an entity  
described by Paragraphs (A) through (E).

(3) "Person" has the meaning assigned by Section  
311.005, except the term does not include:

(A) an employee of a governmental entity acting  
within the employee's scope of employment; or

(B) a contractor of a governmental entity acting  
within the scope of the contract.

(4) "Religious organization" means an organization that  
is a religious organization under Section 110.011(b), Civil  
Practice and Remedies Code.

Sec. 2401.002. ESSENTIAL BUSINESS; PROHIBITED RESTRICTIONS.

(a) Notwithstanding any other law, a religious organization is an  
essential business at all times in this state, including during a  
declared state of disaster, and the organization's religious and  
other related activities are essential activities even if the  
activities are not listed as essential in an order issued during  
the disaster.

(b) A governmental entity may not:

(1) at any time, including during a declared state of  
disaster, prohibit a religious organization from engaging in

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religious and other related activities or continuing to operate in  
the discharge of the organization's foundational faith-based  
mission and purpose; or

(2) during a declared state of disaster order a  
religious organization to close or otherwise alter the  
organization's purposes or activities.

Sec. 2401.003. RELIEF AVAILABLE. (a) A person may assert an  
actual or threatened violation of Section 2401.002 as a claim or  
defense in a judicial or administrative proceeding and obtain:

(1) injunctive relief;

(2) declaratory relief; and

(3) court costs and reasonable attorney's fees.

(b) Notwithstanding any other law, a person may commence an  
action under this section and relief may be granted regardless of  
whether the person has sought or exhausted available  
administrative remedies.

Sec. 2401.004. IMMUNITY WAIVED. A person who alleges a  
violation of Section 2401.002 may sue the governmental entity for  
the relief provided under Section 2401.003. Sovereign or  
governmental immunity, as applicable, is waived and abolished to  
the extent of liability for that relief.

Sec. 2401.005. ATTORNEY GENERAL ACTION; INTERVENTION IN  
PROCEEDING; PROHIBITED RECOVERY OF EXPENSES. (a) The attorney

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general may bring an action for injunctive or declaratory relief  
against a governmental entity or an officer or employee of a  
governmental entity to enforce compliance with this chapter.

(b) This section may not be construed to deny, impair, or  
otherwise affect any authority of the attorney general or a  
governmental entity acting under other law to institute or  
intervene in an action.

(c) The attorney general may not recover expenses incurred  
in bringing, instituting, or intervening in an action described by  
this section.

Sec. 2401.006. INTERPRETATION. (a) This chapter may not be  
construed to preempt a state or federal law that is equally or  
more protective of the free exercise of religious beliefs or to  
narrow the meaning or application of a state or federal law  
protecting the free exercise of religious beliefs.

(b) This chapter may not be construed to prevent a  
governmental entity from providing, either directly or through a  
person who is not seeking protection under this chapter, any  
benefit or service authorized under state or federal law.

SECTION 2. Chapter 2401, Government Code, as added by this  
Act, applies only to a cause of action that accrues on or after  
the effective date of this Act. A cause of action that accrued  
before the effective date of this Act is governed by the law in

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effect immediately before the effective date of this Act, and that  
law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2021.